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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,921	04/30/2007	M. Yavuz Dedegil	2003P00601WOUS	9214

46726 7590 04/27/2011  
BSH HOME APPLIANCES CORPORATION  
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EXAMINER
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LITHGOW, THOMAS M

ART UNIT	PAPER NUMBER
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1778

NOTIFICATION DATE	DELIVERY MODE
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04/27/2011

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/582,921  
Filing Date: April 30, 2007  
Appellant(s): DEDEGIL ET AL.

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Andre Pallapies  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 25 January 2011 appealing from the Office action mailed 30 July 2010.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

The statement of the status of the claims in the brief is correct.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Kemper (US 6413366) or Britz (USPGP 2004/0256295) or Dolbear (US 1478703) or Dolbear (US 1480884) or DE 10250762) or Tlok (US 5910248). Any of the above patents disclose a device defining a container having a foam layer forming means and means in the upper portion of the container to guide in a fluid. The valve means are inherent or are specifically disclosed. In Kemper '366 there is the fig. 1 embodiment with feed suspension at 5 into the foam layer. In Britz '295 there is the fig. 4 embodiment with feed means 7 into foam layer 12. The Dolbear patents

are similar with feed being through rotary drums into the foam layer. DE '762 discloses six different embodiments with the feed being sent into the froth layer. In Tlok '248 there is a foam layer 8 into which water and particles from influent water feed inlet 2 ultimately engages. Applicant asserts that the rejection above refers to a couple of features with no reasoning or association with the claimed features. Claim 1 recites "a container operable to retain therein a predetermined quantity of liquid...". Kemper '366 has a container holding foam and liquid, this appears axiomatic. "Means for producing a flow of gaseous fluid through the predetermined quantity of liquid" would be equivalent to gas inlet pipe at "G" in fig. 1, again axiomatic. The foam having the same or similar properties as applicants foam is at 2. There are means at "S" for introducing liquid in the upper portion of the container to be "filtered". Tlok '248 has container (unnumbered, see fig. 1), air inlet 13, and foam at 8. The remaining patents have the same or similar functional elements.

### **(10) Response to Argument**

Applicant asserts patentability based on the phrase of independent claim 8 which recites that "a container operable to retain a predetermined quantity of liquid" is not disclosed in any of the six references applied

against the claims. This is not persuasive. Kemper '366 discloses a liquid layer 3 – see fig. 1 or 2 which is maintained at a desired liquid level by a water seal 7 (a type of valve)-see fig. 1 or a more conventional valve in fig.

2. Britz '295 has a water layer L which is maintained at this height. Either Dolbear patents have a liquid layer illustrated which is maintained by a valved discharge pipe 17. In tlok '248 there is a liquid layer (below foam layer 8) which is regulated by a liquid seal baffle. DE '762 has a liquid portion 6 as illustrated in fig. 1. Clearly, any one of these liquid layers is broadly “ a predetermined quantity of liquid” as recited in independent claim 8. As such, the rejection should be maintained.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Thomas M. Lithgow/

Primary Examiner, Art Unit 1778

Conferees:

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